Temporary Modified-Duty Assignments

238.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, county rules, and current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Office to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

238.2 POLICY

The Undersheriff or designee may approve adjusted duties for members, to accommodate a temporary medical issue or injury that was sustained on or off duty, which prevents a member from fully performing their assigned duties for a reasonable period of time. Consideration will be predicated on the expectation that the member will recover from the illness or injury and return to full duty, and that the safety, security, and well-being of members, inmates, facilities, or community will not be impacted negatively by granting this consideration.

238.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Washington Law Against Discrimination shall be treated equally, without regard to any preference for a work-related injury.

No position in the Thurston County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an office-owned vehicle, or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

The Corrections Bureau reserves the right to refuse modified duty if a suitable position is not available or, if, in their opinion, the assignment would compromise facility safety or security.

The employer may require an employee on modified duty to participate in a fitness for duty or independent medical examination when necessary

238.4 PROCEDURE

Request for Modified Duty:

1. The member must make immediate notification to their On-Duty Supervisor (ODS), or designee if they will be off duty for a medical issue or injury for more than three (3) days. The supervisor

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will make appropriate entries in the timekeeping system and work in conjunction with the Administrative Lieutenant to arrange shift coverage, if necessary.

2. If modified duty is required, the member must provide a completed "Recommended Work Assignments Restrictions" form (see Forms, common drive), signed by a medical provider, to their ODS before the member can return to work.

3. The member's ODS will forward the original form to the Corrections Staff Assistant (SA), who will provide it to the Chief Deputy of Corrections or designee for review.

4. The Chief Deputy of Corrections' review for modified duty will consist of the following:

(a) Modified duty assignments are granted based upon an interactive process between the member and the Corrections Bureau, with the consideration of law, reasonableness, medical restrictions, members already on modified duty, operational needs, and the likelihood the member will return to full duty.

(b) Modified duty assignments will be limited to the Intake or Transfer posts, with Transfer being the preference, on the two-night shift teams in the main jail.

(c) There will never be more than one modified duty position on each night shift team and these available modified duty assignments will be filled on a first-come, first-serve basis. If more members are approved for modified duty than such assignments are available, the Administrative Lieutenant may equally divide the work available for the modified duty posts.

(d) Additional modified duty assignments may be considered for those staff that does not typically have contact with inmates such as Team Lieutenants, Administrative Lieutenants, the Inmate Services Sergeant, Corrections Technicians, and Administrative Support Staff.

(e) For those staff that have been injured in the workplace and are approved to return to work on a modified duty status through L&I, a position may be assigned that will not be considered a minimum staffing post and will solely supplement the workload of the assigned area

(f) Members that request and are approved for ADA accommodations will be based on an interactive process between the member, Human Resources, and the Corrections Bureau. Modified duty options will be considered based on the accommodations.

5. After consideration is made of the modified duty request, the Chief Deputy of Corrections or designee will forward a recommendation to the Undersheriff for approval or denial of the modified duty on the "Recommended Work Assignments Restrictions" form before returning the form to the Corrections Staff Assistant (SA).

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(a) The SA will forward a copy of the form to the Sheriff's Executive Aide (EA) for placement in the member's medical file.

(b) In addition, the SA will report this information, via e-mail, to Thurston County Human Resources (HR) and the Thurston County Sheriff's Office (TCSO) Accounting Bureau, if this situation may become a Family Medical Leave Act (FMLA).

(c) HR will make the determination if the member's medical illness or injury falls within the FMLA guidelines and, if necessary, will send the member the required paperwork.

(d) If applicable, the member will complete the FMLA paperwork and return it to Thurston County HR Department as directed in the paperwork packet.

(e) If FMLA is approved, HR will notify Thurston County Sheriff's Office (TCSO) Accounting Bureau and the SA.

6. If modified duty is approved, the Undersheriff or designee will provide a memo giving written notification of approval to include assignments, work schedules, supervision, effective dates, and any restrictions while assigned to temporary modified duty to the member, Undersheriff, EA, member's on-duty supervisor (ODS) and HR.

7. If the modified duty request is denied, the SA will notify the member via phone, the member's ODS will be notified via phone or email, and a copy of the "Recommended Work Assignments Restrictions" form will be forwarded to the EA for placement in the member's medical file.

8. Modified duty must be approved by the Undersheriff or designee, prior to the member returning to work.

9. All temporary modified duty assignments will be approved for a period of no longer than 30-days. This will provide for timely review, medical updates, and management of available positions. Any assignment to be extended beyond 30-days will require the approval of the Undersheriff.

10.When the member is released from modified duty by their medical provider, the SA will forward this information to the Chief Deputy of Corrections or designee and ensure a release follow-up form is provided and completed. The Chief Deputy of Corrections or designee must approve the member's return to duty before the member reports for work.

11. If the medical issue continues for a period of time deemed unreasonable by the Chief Deputy of Corrections and HR, the attending medical provider will be contacted to determine if the member will be able to return to full duty.

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238.5 ACCOUNTABILITY

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate office operations and the employee's medical appointments, as mutually agreed upon with the Chief Deputy of Corrections or designee.

238.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include but are not limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Chief Deputy of Corrections that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

238.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include but are not limited to:

(a) Periodically apprising the Chief Deputy of Corrections or designee of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Chief Deputy of Corrections or designee and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

238.6 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding a limitation related to pregnancy, childbirth, or related medical conditions, the Office should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; RCW 43.10.005).

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238.7 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

238.8 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

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